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DEC 13 2018

United States District Court  
District of Minnesota

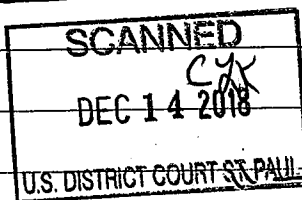
CLERK, U.S. DISTRICT COURT  
ST. PAUL, MN

Richard Angelo McFee  
Plaintiff

v  
Warden "Burkhurst"  
Captain "Miller"  
Agent "Grimsley"  
Investigator "Fairley"  
Case manager "Oran"  
Defendants

Complaint  
Civil Action # \_\_\_\_\_

Defendants are being sued  
In their official & individual  
Capacity.



Plaintiff request for A  
Jury trial

### Jurisdiction and venue

1) This is A Civil action authorized by 42 U.S.C. Section 1983 to redress the deprivation under Color of State law, of rights Secured by the Constitution of The United States. The Court has Jurisdiction under 28 U.S.C. Section 1331 and 1343(a)(3). Plaintiff Seeks declaratory relief Pursuant to 28 U.S.C. Section 2201 and 2202. Plaintiff Claims For injunctive relief are authorized by 28 U.S.C. Section 2283 & 2284 and rule 65 of The Federal rules of Civil Procedure.

2) The District of Minnesota is an appropriate venue under 28 U.S.C. Section 1391(b)(2) because it is where the Events Giving rise to this Claim occurred. "P.(1)

3) Plaintiff Richard Angelo McFree, is and was at all times mentioned herein A Prisoner of the state of Minnesota in the Custody of The Federal Bureau of Prisons As he was Confined At United States Federal medical Center-Rochester MN.

4) Defendant Grimsley is the Special Investigator Agent At FMC-Rochester, He is legally Responsible For all illegal events, operation, staff Misconduct At the institutions

5) Defendant "Acting Warden Burkhurst" is the Warden of FMC-Rochester MN, He is legally responsible For The operation of FMC-Rochester MN and For the welfare of all the Prisoners And Prison officials.

6) Defendant "Captain Miller" is the Captain of FMC-Rochester MN, is legally responsible For the Custody And operation At FMC-Rochester.

7) Defendant "Fairley" is the facility investigation official He is legally responsible for all investigation including but not limited to Prisoner misconduct, staff misconduct And keeping the institution A Drug free, Crime free Work Place

8) Defendant "Oran" is A Correctional Casemanager, he is legal responsible Prisoners added to his case file Prisoners Programming, Release Planning and Sometimes Assist in A Disciplinary officer At Prisoners Hearings.

9) Each Defendant is being sued individually and in their official Capacity. At All times mentioned in this Complaint each Defendant acted under Color of State Law.

10)

### Facts

I) On September 26, <sup>2017</sup> Special Agents Grismley And Fairley Sexually Sodamized Plaintiff With A wooden toilet Plunger After Plaintiff refused to provide both Agents with information Concerning A Physical altercation between Plaintiff And Prisoner Jones. ~~after~~

II) After the Assault Plaintiff was injured which Plaintiff was bleeding from out of his rectal area stop with major Pain that was inadequately Address by Prison medical officials.

III The Actions of these Agents were not necessary or reasonable to maintain Prison discipline because Plaintiff was Belly Chained by A martin Chin And Both of Plaintiff Feet was Shackle together in leg Irons During the interview where the Assault Took Place.

IV The events of the Assault Took place on medical Hospital Care unit 9-3 on 9/26/2017 in the South Hallway interview room Across From the Nursing Station on unit 9-3 which occurred at or about 9AM-10AM After administration rounding on medical Ward 9-3

10)

IIII) After informing Correctional Casemanager Oran And Warden Burkhurst and Captain Miller what happen, Casemanager "Oran" wrote me A incident report for lying And took my phone And Visiting Privileges for 1 month.

IIII) after informing Warden Burkhurst and Captain Miller, both burkhurst and miller Came to my room on Ward 9-3 A few weeks later And Threaten to transfer me So far away that I wont receive the Surgery I was to have At The St Mary's Mayo Clinic if I Continued to Send e-mails To the Department of Justice informing them of the Sexually Assault or Anybody else. on 11/17/17 I Contacted my Aunty Theresa Malloy in Atlanta GA, And informed her of the Assault and 3 weeks later I was transfered to Federal Medical Center Dams in Devens Massachusetts.

11) upon information and Belief, After the Assault around October 10 to 11<sup>th</sup> Prisoner Terrance Braham Reg# 44878-007 ASK me Was I yelling in the office the two Agents had me in on unit 9-3, I told him Yes, he ASK what went on I informed him that Agents Grimsley And fairley sodomized me with A Toilet Plunger for Not talking, he Said that he was the one who knock on the Door to distract them And informed me if I Needed him For Anything to take his Name And Number which I did. "P"(4)

12)

I) After the Sexual Assault occurred, I informed Casemanager "Oran" that I was Sexually Assaulted And Sanitized with A toilet Plunger by Agents/Defendant Grimsley And Fairley, Casemanager "Oran" told me that I'm lying And wrote me A incident report And Sanctioned me by taking my Visitation And Phone Privileges.

II) after requesting For medical Attention from the injuries I Received from the Sexual Assault, I was Denied Adequate exzamination And Immediated transferred To Federal medical Center Ft Devens located in Devens Massachusetts.

13) Plaintiff McFee used the Prisoner grievance Procedure available At all Federal institutions under the Prison Rape elimination Act (PREA) I Contacted The united States Department of Justice to report the Problem, I used the Prisoner Computer to file the PREA Complaint on or about November of 2017, Plaintiff McFee Presented the facts relating to this Complaint, on or about February of 2018 The Department of Justice Came to Fmc-Devens to interview me for the Sexual Assault upon information and Belief, A report From the New York District Mr Daniel Wagner Informed Plaintiff McFee to not to talk to Any law enforcement Agents till his legal team Come to Fmc-Devens to Interview Plaintiff.

"P" 5 ~~6~~ Continue on Page 6 →

A)

14) Defendants Gimsley and Fairley use of excessive Force Violated Plaintiff rights and Constituted Cruel and unusual Punishment under the Eighth Amendment of the United States Constitution.

13) Defendants Burkhurst, Miller and Orron deliberate indifference to Plaintiff Serrano's medical needs and Retaliating Against Plaintiff by Withholding Plaintiff A incident report and transferring Plaintiff to Another Federal Medical Center to deprive Plaintiff of A life Threaten Surgery for Plaintiff Cronic Disease issues Violated Plaintiff rights and Constituted Cruel and unusual Punishment under the Eighth Amendment of the United States Constitution.

15) Plaintiff reallege and incorporate by reference Paragraphs 1-13

16) "Prayer for Relief"

Wherefore, Plaintiff McFee respectfully Prays that This Court enter Judgment granting Plaintiff McFee A declaration that the Acts and Omissions described herein Violated Plaintiff McFee Constitution and laws of the United States,

17) Plaintiff McFee request for Compensatory damages in the amount of (1) one million dollars Against each defendants, Jointly And Severally

"P" (6)

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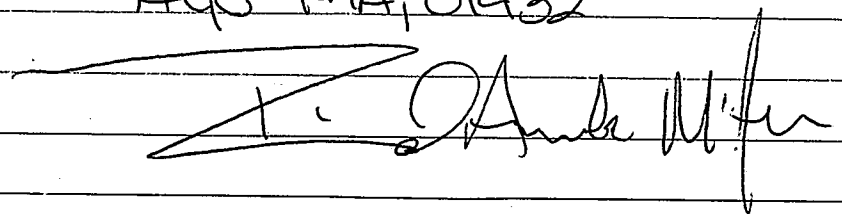
18) A Jury ~~test~~ <sup>trial</sup> on all issues triable by Jury.

19) Plaintiff McFee Costs in this Suit

20) And additional relief this Court deems just, Proper, and equitable

Dated November 29<sup>th</sup> 2018

Respectfully Submitted  
Richard Angelo McFee  
Federal Medical Center-DeVens  
PO Box 879  
Ayer MA, 01432



## Verification

I have read the foregoing Complaint and hereby verify that the matters alleged therein are true, except as to matters alleged on Information and belief, And, As to those, I believe them to be true, I certify under Penalty of Perjury that the foregoing is true and Correct.

Executed At City of Duxbury  
State of MASSACHUSETTS on November 29th  
2018.

Richard Angelo McFee



## Defendants, Names, Entity, employer, Address

### Defendant #1

Name - Mr Grimsley  
Entity - Special investigation Agent (SIA)  
employer - Federal Medical Center - Rochester Minnesota  
Address - PO Box 4000, Rochester MN 55903

### Defendant #2

Name - Mr Fairley  
Entity - Special investigation Services (SIS)  
employer - Federal medical Center, Rochester Minnesota  
Address - PO Box 4000, Rochester MN 55903

### Defendant #3

Name - Mr Burkhurst  
Entity - Warden At time of event  
employer - Federal Medical Center - Rochester Minnesota  
address - PO Box 4000, Rochester MN 55903

### Defendant #4

Name - Mr Oren  
Entity - Correctional Caseworker Building 10  
employer - Federal Medical Center - Rochester Minnesota  
address - PO Box 4000, Rochester MN 55903

### Defendant #5

Name - Mr Miller  
entity - Facility Captain  
employer - Federal Medical Center - Rochester Minnesota  
address - PO Box 4000, Rochester MN 55903.